



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,540	02/29/2000	DIETMAR PRZYTULLA	2511-089	8719

7590 10/15/2002

PENNIE & EDMONDS
1667 K STREET NW
WASHINGTON, DC 20006

EXAMINER

NOLAN, SANDRA M

ART UNIT	PAPER NUMBER
----------	--------------

1772

DATE MAILED: 10/15/2002

//

9/

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/486,540

Examiner

Sandra M. Nolan

Applicant(s)

PRZYTULLA ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claims

1. Claims 17-42 are pending.

Rejections Withdrawn

2. The 35 USC 112 rejection of claims 17-25, as set out in section 4 of the March 1, 2002 Office Action (Paper No. 8), is withdrawn in view of applicants' amendments and remarks in the response dated August 1, 2002 (Paper No. 10).
3. The 35 USC 103 rejection of claims 17-31, as recited in section 7 of Paper No. 8, is withdrawn in view of applicants' amendments and remarks in Paper No. 10.
4. The 35 USC 103 rejection of claim 33, as shown in section 9 of Paper No. 8, is withdrawn in view of applicants' amendments and remarks in Paper No. 10.

New Rejections

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 26-33, 38 and 39 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claims, as amended, contain new matter as follows:

- a. "two thicker wall regions. . . wall region" (claim 20, lines 2 and 3)

- b. "central portions . . . each provided' (claim 26, lines 6 and 7)
- c. "an outer surface . . . on the inner surface" (claims 29, 32 and 33).

The examiner is unable to find support in the application as originally filed for the language in a, b, and c.

Please show support in the original application for the language or cancel it.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 17-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stenger (US 5,217,128) in view of Snyder (US 4,257,5270) and Giblin et al (US-6,223,945).

Stenger is discussed in section 7 of Paper No. 8.

It fails to teach vertical ribs along the sidewall of its bottle.

Snyder teaches vertical ribs that extend from the top to the bottom of plastic drums to reinforce them (abstract).

Giblin is discussed in section 7 of Paper No. 8.

The references are analogous because they all deal with plastic containers.

It would have been obvious to one having ordinary skill in the art at the time that the invention was made to employ the vertical ribs of Snyder and Giblin in the bottles of Stenger in order to them.

Art Unit: 1772

The motivation to employ the ribs of Snyder in the bottles of Stenger is found in the Snyder abstract, where the ribs are taught to reinforce the bottles, and at col. 12, lines 4-13 of Giblin, where Giblin's vertical ribs are said to increase rupture resistance.

It is deemed desirable to make bottles having reinforcing ribs therein to maximize the strength of the bottles' sidewalls and minimize the likelihood that they will fail.

Response to Arguments

9. Applicant's arguments with respect to claims 17-42 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication should be directed to the Examiner, Sandra M. Nolan, whose telephone number is 703/308-9545. The Examiner can normally be reached on Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

If attempts to reach the Examiner by telephone are unsuccessful, her supervisor, Harold Pyon, can be reached at 703/308-4251. The general fax number for the art unit is 703/305-5436. The fax number for after final communications is 703/872-9310. The receptionist answers 703/308-0661.



S. M. Nolan
Patent Examiner
Technology Center 1700

SMN/smn
09486540(11)
October 8, 2002